

CUT THE RED TAPE: AMENDMENTS FOR CONSIDERATION

JULY 10

Modifications to Comprehensive Plan

1. The 2003 City Council Goals are proposed to be removed from the Comprehensive Plan. Staff does not recommend including the annual goals of any individual Council into the Plan.
2. Adding clarifying language stating that the definitions of terms used in the Plan are only applicable when used in the Plan and not to other documents in the City. Also, modifying the definitions of certain terms, such as “conditional use”, that are incorrectly defined and in direct conflict with the CDC.
3. Modifying portions of Goal 9: Economic Development to more accurately recognize the importance Economic Development as a priority in the City and to align it with the City’s approved Economic Development Plan.

Modifications to Community Development Code

1. The City’s land use appeal process is proposed to be modified to have land use appeal hearings be held “on the record” as opposed to the current “de novo” hearings. The scope of the appeal hearing would be limited to the specific issues requested by the appellant. Arguments will be permitted written and orally, but not new evidence would be permitted. However, Staff’s proposal will include allowances to open the record in limited circumstances (i.e. to correct procedural or factual errors).
2. The variance criteria regarding topography and takings requirements, are proposed to be revised (e.g., topographical constraints are not a unique feature to properties in West Linn).
3. The Class I variance limitations and criteria are proposed to be modified to allow applicants greater flexibility in requesting minor modifications to the code that don’t adversely impact the surroundings.
4. Amendments that would recognize that an approved Conditional Use is not subject to future non-conforming use requirements.
5. Remove various unnecessary application and submittal requirements throughout the Code, such as the number and type of copies required. The Planning Director will have greater discretion to require electronic or paper copies depending on the application.
6. Eliminate lot dimensional requirements except for area and frontage width.
7. Increase building heights in multi-family residential and commercial zones to five and six floors. These would still be subject to the increased ‘transitional setbacks’ when adjacent to residential housing.
8. Remove Stormwater quality/detention and any other public works design standards from the CDC and align them with the West Linn Public Works Design Standards (PWDS). For example, the detailed engineering requirements for stormwater should not be duplicated in the CDC. They are not criteria for review, can cause conflicts; and in any case, are already required under the City’s PWDS.
9. Revise Conditional Use standard regarding “consistent with applicable policies of the comprehensive plan”. This standard is overly broad, subjective and inconsistent with the purposes of conditional uses. Also, consider refining ‘community need’ and tightening other standards for clarity.

10. Allow on-street parking to count toward minimum requirements for new development and revise minimum and maximum parking requirements to be consistent with the Regional Transportation Plan. This will result in a reduction of parking requirements.
11. Consider a limitation on the extent of improvements that can be requested to rectify non-conforming aspects of a site such that they are proportionate to value of proposed project (e.g., 10 percent).
12. Modify the land use review procedures such that non-discretionary decisions (subdivisions, design review) would be made by the Planning Director. All legislative and discretionary decisions (e.g. Planned Unit Development (PUD), Conditional Use Permit (CUP), rezoning, variances, and certain appeals) would still require Planning Commission approval. This change would 'move' non-discretionary decisions currently heard by the Planning Commission back to the Planning Director but would maintain the same, more extensive, notification requirements that currently exist.
13. Require neighborhood association (NA) meetings for only large-scale projects (e.g. for all items requiring Planning Commission approval and a slightly smaller threshold)
14. Simplify the complex and detailed requirements of applicants to request a meeting with NA's.
15. Allow modifications of approved CUP's to be reviewed under the same standards as a modification to any other development approval. Currently, *any* modification to an approved CUP is required to be reviewed as a new CUP.
16. Modify the code to require that 20 percent of significant trees be preserved, rather than 20 percent of the site area. Additionally, eliminate the requirement for conservation easements for any individual trees.
17. Eliminate the lot coverage requirement in commercial districts.
18. Eliminate permit requirements for temporary A-frame signs. The City has regulations for these signs (which are limited to 60 days), this change would remove the requirement to get a permit and pay a fee.
19. Expand the list of permitted uses in commercial zones (GC and OBC). This would not add any new uses to any district, but instead would make certain uses (hotel in particular) permitted uses in the district rather than conditional uses.
20. Remove a variety of individual arbitrary standards from Chapter 55 (e.g., "manifestly superior", etc.).
21. Exempt certain minor activities from the Class 1 design review process. This would include many activities in the public right-of-way (sidewalks, transit shelters, bike racks) as well from fences on non-residential property, exterior artwork/statuaries, etc.
22. Create a separate floating zone ("PCD") with a separate discretionary approval process that would allow commercial developments that do not meet our stringent code requirements, but meet the intent of the Code, as long as the PCD is approved by the City Council.

Modifications to Municipal Code

1. The Tree Removal Permit requirements are proposed to be amended to remove automatic approval of permit in 20 days and make it longer.

2. Sections of both the WLMC and CDC are proposed to be amended to clarify circumstances in which poultry is allowed. The action would codify the City's unofficial policy of permitting chickens in residential district (subject to standards). The policy the City has been using is not consistent with the WLMC or the CDC.

Fees

1. Increase the fees for land use appeals to more accurately capture the costs incurred. Staff also recommends charging all parties (including NA's) the same fee for an appeal as well as clarifying the language on how the Council "calls-up" appeals (in accordance with public meeting laws).
2. Moving some of the current deposit requirements for applications to fixed fees.
3. Allow system development charges (SDC's) to be payable prior to the issuance of a certificate of occupancy rather than at time of building permit.
4. Setting a minimum amount for the bonding requirements of public improvements.
5. Modifying the City's standard language for performance bonds to be consistent with standard practices.
6. Eliminate the 5/8" water meter and establish a standard size (3/4") which will lower the connection fee for some homes.

Procedures

1. Allow outdoor seating areas to extend beyond the building's storefront with permission from the adjacent property owner.

Important proposals NOT included with this project

1. Re-writing the Mixed Use, or transitional zoning, district regulations.
2. Consideration of reductions to the City's SDC's.
3. Re-organizing the CDC in its entirety. Piecemeal changes are always helpful, but it is still extremely confusing, with antiquated and conflicting requirements.
4. Creating Public Use/ROW zoning district to address uses in public facilities, parks, schools, etc.
5. Re-write our non-conforming chapters for legal consistency.